

To: Khan, Annie (DPH)[Annie.Khan@MassMail.State.MA.US]
From: O'Brien, Elisabeth (DPH)
Sent: Tue 3/8/2011 12:43:03 AM
Subject: RE: Comm v. [REDACTED] [TRIAL 3/8/11]

Hi Annie,

I hope that the marijuana is a small part of this case and you were part of the more sufficient amount of evidence. We will not be able to accomodate retesting on such short notice given the current backlog of samples that have yet to be tested. My hope is that the judge would allow you to review Stacey's notations and see where that takes things.

If the case gets continued for any reason we can revisit the retesting of the marijuana if it is crucial to the case. I believe we should hold strong to the approach that we will offer up "an expert" to testify for an absent chemist, otherwise all retesting for Melendez-Diaz issues will be decided on a case by case basis by Julie or Chuck and will take a number of weeks to process.

ELO

From: Khan, Annie (DPH)
Sent: Monday, March 07, 2011 7:45 AM
To: Salemi, Charles (DPH)
Cc: O'Brien, Elisabeth (DPH)
Subject: FW: Comm v. [REDACTED] [TRIAL 3/8/11]

Chuck,

I have a summons for the above case in which Stacey was the primary chemist? Michelle (ADA) wants the marijuana re-tested. I told her I needed to consult with you on the matter.

Please let me know who to approach this matter.

Annie

From: Michelle Fleming [REDACTED]

Sent: Sunday, March 06, 2011 12:22 PM
To: Fleming, Michelle (SUF)
Cc: Khan, Annie (DPH)
Subject: Re: Comm v. [REDACTED] [TRIAL 3/8/11]

Sorry to bother. After looking through all the data provided, the only issue that could come up would be with respect to the marijuana, since that doesn't have a secondary/confirmatory component to it. So, the question now is, how long would it take to have the marijuana re-tested?

On Fri, Mar 4, 2011 at 4:39 PM, Fleming, Michelle (SUF) <Michelle.Fleming@state.ma.us> wrote:

Hi Annie,

If Stacey's departure becomes a problem and the judge doesn't allow you to testify to her reports, how long would it take to re-test the substances?

Michelle

Michelle D. Fleming
Assistant District Attorney
Major Felony Bureau
One Bulfinch Place, Suite 300
Boston, MA 02114
P: 617-619-4289
F: 617-619-4175

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Wednesday, March 02, 2011 6:43 PM
To: Fleming, Michelle (SUF)
Subject: RE: Comm v. [REDACTED] [TRIAL 3/8/11]

On Call is fine. Email works great with me.

I can get to the Suffolk Sup in about an hour. If you can provide ride that would be awesome too.

Now for the bad news, Stacey has left the Drug Lab as of Feb 25th, 2011.

Let me know how I can help.

Annie

Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Fleming, Michelle (SUF)
Sent: Wednesday, March 02, 2011 3:36 PM
To: Khan, Annie (DPH); Feiden, Stacey (DPH)
Subject: RE: Comm v. [REDACTED] [TRIAL 3/8/11]

Good afternoon ladies,

I've attached your subpoena to this email. As we discussed, the trial is scheduled for 3/8. I don't know, at this point, if it will definitely go that day. I can tell you that you will definitely not be my first witnesses, but when you will be called, is uncertain at this point. I wanted to forward along your subpoena to keep this case on your radar. If the case goes, you will be called at some point next week. Is it better to email you or call the main line and how much notice will you need to get downtown?

I look forward to working with you.

Michelle

Michelle D. Fleming
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-----Original Message-----

From: Fleming, Michelle (SUF)
Sent: Wednesday, February 09, 2011 2:04 PM
To: 'Brizuela, William'; 'AOrtiz@chelseama.gov'; 'EGonzalez@chelseama.gov';
'CVega@chelseama.gov'; 'RDigaetano@chelseama.gov'; 'DDelancy@chelseama.gov';
'RSmith@chelseama.gov'; Khan, Annie (DPH); Feiden, Stacey (DPH)
Subject: RE: Comm v. [REDACTED] [TRIAL 3/8/11]

Hello all,

This case is scheduled for Trial 3/8/11. I'm not sure if it will actually go, but I wanted to alert you.

To CPD: I'd like to prep this case with everyone on 2/23, 2/24, 2/25, 2/28 or 3/1. Please let me know what date works for EVERYONE!!

To DPH: Your analysis numbers are [REDACTED] (dates of analysis 10/27-29/09).
Can you ladies let me know if the week of 3/8 would present any conflicts with your schedules?

Thank you all in advance,

Michelle

Michelle D. Fleming
Assistant District Attorney
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